

Entered - 02-11-00 - sb  
CL 00L0066 - GWENDOLYN BURNS

CLAIM OF: **JAMES W. FARROW**  
through his attorney,  
**William Taylor Payne, P.C.**  
118 E. Trinity Place  
Decatur, Georgia 30030

01-*L* -1196

For bodily injuries alleged to have been sustained as a result of an automobile accident on September 8, 1999 at 92 Vine Street.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **JAMES W. FARROW, through his attorney, William Taylor, Payne, P.C.** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained as a result of an automobile accident on September 8, 1999 at 92 Vine Street as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0066

Date: July 17, 2001

Claimant /Victim JAMES W. FARROW  
BY: (Atty) (Ins. Co.) William Taylor Payne, P.C.  
Address: 118 East Trinity Place, Decatur, Georgia 30030  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 15,000.00  
Date of Notice: 2/10/00 Method: Written, Proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 9/8/99 Place: 92 Vine Street  
Department PUBLIC WORKS Division Solid Waste Services  
Employee involved Franklin B. Bradley Disciplinary Action: 10 day suspension

NATURE OF CLAIM: Claimant sustained bodily injuries when his vehicle was backed into by a sanitation vehicle. The City employee was cited for "improper backing".

INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report        Other         
Traffic citations issued: City Driver X Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable X  
City not involved        Offer rejected        Compromise settlement X  
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent X Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,000.00 Adverse        Account charged: 1A01 X 2J01        2H01         
Claims Manager        Concur/date 07/18/01  
Committee Action:        Council Action

**WILLIAM TAYLOR PAYNE, P.C.**

118 E. Trinity Place  
Decatur, Georgia 30030

received  
2-10-2000

Attorney at Law  
(404) 377-1100  
Toll Free: (800) 660-5177

put D.M.'s b7  
7

BURNS  
02/10/00  
JEM

February 8, 2000

ENTERED - 2-11-00 - SB  
00L0066 - GWEN BURNS

CC: 99L0894

Honorable Bill Campbell, Mayor  
The City of Atlanta, Georgia  
Atlanta City Hall  
68 Mitchell St.  
Atlanta, Georgia 30303

Certified Mail No. Z340049733

Re: My Client: James W. Farrow  
Date of Loss: September 8, 1999  
Type of Loss: Auto-Garbage Truck Collision  
Site of Loss: 92 Vine St. at Rhodes St.,  
Atlanta, Georgia

Dear Mayor Campbell:

I represent Mr. James Farrow who was involved in a motor vehicle collision with a City of Atlanta garbage truck on September 8, 1999 as above indicated. I have attached a copy of the police accident report which is incorporated herein by reference.

This accident occurred when a City of Atlanta garbage truck driven by City of Atlanta employee Franklin B. Bradley improperly backed a garbage truck into Mr. Farrow's lane of travel thereby causing a violent collision.

As a direct and proximate result of this collision, Mr. Farrow was seriously injured and incurred the following medical expenses due to injuries he sustained in said collision, to wit:

Crawford Long Hospital	\$ 214.30
The Emory Clinic	\$ 209.00
Midtown Physical Rehab Center	<u>\$2,730.00</u>
Total:	\$3,153.30

Honorable Bill Campbell, Mayor  
February 8, 2000  
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I have also enclosed a copy of the repair invoice on Mr. Farrow's 1999 Chevrolet Malibu which reflects \$3,969.17 in property damage, which has already been resolved.

Demand is hereby made for the sum of \$15,000.00 as a complete compromise and settlement of all claims Mr. Farrow has against your driver and the City of Atlanta because of this accident. This demand is governed by O.C.G.A. Sect. 36-33-5.

Sincerely,

  
William T. Payne

WTP:s  
Enclosures.

cc: Mr. James Farrow

Council of the City of Atlanta, Municipal Clerk  
City Hall  
55 Trinity Ave., S.W.  
Atlanta, Georgia 30335

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 01L0252

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND DOLLARS AND NO/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Bradley Franklin Bernard from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 8th day of September, 1999, at or near 92 Vine Street, NW.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 6<sup>th</sup> day of July, 20 01.

James W. Farrow II (LS)  
*James W. Farrow*

William T. Payne (LS)  
*William T. Payne, Attorney for claimant*

The above release was read and explained to, and signed by the said James W. Farrow & William T. Payne in our presence on the date above written.

David Payne  
WITNESSES

01-R-1196